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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of

Joint Petition for Rulemaking
On Cable Television Wiring

RM-8380

REPLY COMMENTS OF BELL SOUTH

BellSouth Telecommunications, Inc. ("BellSouth") hereby replies to the comments regarding the Joint Petition of the Media Access Project, the United States Telephone Association, and Citizens for a Sound Economy (Petitioners) for Rulemaking to Establish Rules for Subscriber Access to Cable Home Wiring for the Delivery of Competing and Complementary Video Services, filed July 27, 1993 ("Joint Petition").

BellSouth continues to support the Joint Petition. The comments leave no room for doubt that the Commission should initiate a proceeding to determine how cable subscribers may have access to cable home wiring for the delivery of competing and complementary services before termination of service and should merge into that new proceeding the outstanding Petitions for Reconsideration of the Report and Order in MM Docket No. 92-260, released February 2, 1993 (FCC 93-73). Furthermore, as the comments of Liberty Cable Company, Inc. demonstrate, the rules established in that Report and Order still do not allow cable subscribers to switch to a competing cable service provider without

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substantial inconvenience (Liberty at 3-4). Therefore, the Commission should include in the new proceeding an inquiry into how to make the transition from an incumbent to a competing video programmer more convenient for the consumer.

The only opponents to the Joint Petition are incumbent cable companies and their trade association. Their opposition is based upon arguments that are irrelevant at this procedural stage. The issue at hand is not whether the Commission should adopt proposed rules. The issue is whether the Commission should initiate a proceeding to consider whether rules are needed, whether it has the authority to adopt such rules, and if so, what those rules should be.

It is premature to argue that the Commission does not have the authority to adopt rules when the Commission has not yet proposed rules. The Commission certainly has the authority to inquire into the need for rules, and even if the Commission were to find it had insufficient authority to adopt the needed rules, it would certainly have the authority to recommend to Congress that legislation address any needs found.

Arguments against the adoption of rules because of potential technical difficulties or because of unfounded assertions of competitive unfairness to the cable companies are also irrelevant at this stage. Those are issues that must be exhaustively addressed in the proposed proceeding.


The proposed inquiry needs to be conducted for the sake of increasing the competitive choices available to consumers. One-sided arguments on the very issues that such a proceeding should address must not be allowed to forestall full inquiry by the Commission into the issues raised by the Joint Petition and the comments.

The argument not made by the opponents to the Joint Petition speaks most clearly in favor of the Commission's initiating the proposed inquiry: they did not argue that such an inquiry is not needed.

Therefore, BellSouth respectfully urges the Commission to initiate the inquiry into the issues raised by the Joint Petition and the comments thereon.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.
By its Attorneys:


M. Robert Sutherland
Michael A. Tanner
4300 Southern Bell Center
675 W. Peachtree Street
Atlanta, Georgia 30375
(404) 614-2090

January 19, 1994

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of January, 1994 serviced all parties to this action with a copy of the foregoing REPLY COMMENTS in reference to RM-8380, by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.

Darlene A. Martin

Darlene A. Martin

SERVICE LIST
RM 8380

James E. Meyers
Baraff, Koerner et al
5335 Wisconsin Avenue, N.W.
Suite 300
Washington, DC 20015-2003

Stuart F. Feldstein
Fleischman and Walsh
1400 16th Street, N.W.
Washington, DC 20036

James R. Hobson
Donelan, Cleary, Wood & Maser
1275 K Street, N.E.
Suite 850
Washington, DC 20005-4078

Stephen R. Effros
James H. Ewalt
Community Antenna Television
Association, Inc.
3950 Chain Bridge Road
Post Office Box 1005
Fairfax, VA 22030-1005

James L. Casserly
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
Post Office Box 407
Washington, DC 20044

W. James MacNaughton
Henry Rivera
Liberty Cable
90 Woodbridge Center Drive
Suite 610
Woodbridge, NJ 07095

Andrew Jay Schwartzman
Media Access Project
2000 M Street, N.W.
Washington, DC 20036

Baller Hammett
1225 Eye Street, N.W.
Washington, DC 20005

John I. Davis
Wiley et al
1776 K Street, N.W.
Washington, DC 20006

Howard J. Symons
Keth A. Barritt
Mintz, Levin et al
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004

Robert J. Sachs
Continental Cablevision, Inc.
Lewis Wharf
Pilot House
Boston, MA 02110

Suzann Heaton
Consumer Electronics Group
Electronic Industries Association
2001 Pennsylvania Avenue, N.W.
Washington, DC 20006

John P. Cole, Jr.
Paul Glist
Cole, Raywid & Braverman
1919 Pennsylvania Avenue, N.W.
Suite, 200
Washington, DC 20006

Henry M. River
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036

Terry G. Mahn
Fish & Richardson
601 13th Street, N.W.
5th Floor
Washington, DC 20005

Norman M. Sinel
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, DC 20036

Edward W. Hummers, Jr.
Paul J. Feldman
Fletcher, Hauld & Hildreth
1225 Connecticut Avenue, N.W.
Washington, DC 20036

Eileen E. Huggard
NY City Department of
Telecommunications & Energy
75 Park Place
6th Floor
New York, NY 10007

Mary McDermott
Deborah Haraldson
NYNEX
120 Bloomingdale Road
White Plains, NY 10605

James Wurtz
pacific Telesis
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004

Carl Wayne Smith
Telecommunications, DOD Code AR,
Defense Information Agency
701 S. Courthouse Road
Arlington, VA 22204

Rose Helen Perez
Times Mirror Cable Television, Inc.
2381-2391 Morse Avenue
Irvine, CA 92714

Martin T. McCue
United States Telephone Association
900 19th Street, N.W.
Suite 800
Washington, DC 20006-2105

Peter Luscombe
James E. Meyers
Baruff, Koerner et al
5335 Wisconsin Avenue, N.W.
Suite 300
Washington, DC 20015-2003

Daniel L. Brenner
Loretta P. Polk
1724 Massachusetts Avenue, N.W.
Washington, DC 20036

Deborah C. Costlow
Winston & Strawn
1400 L Street, N.W.
Suite 700
Washington, DC 20005

Williams B. Finneran
NY State Commission on Cable TV
Corning Tower Building
Empire State Plaza
Albany, NY 12223

James P. Tuthill
Nancy C. Woolf
Pacific Telesis
140 New Montgomery St., Rm. 1523
San Francisco, CA 94105

George Schwartz
549 Fairfield Road
East Windsor, NJ 08520

Philip L. Verveer
Sue D. Blumenfeld
Willkie, Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20036-3384

Aaron I. Fleischman
Arthur H. Harding
Fleischman & Walsh
1400 16th St., N.W., Suite 600
Washington, DC 20036

Jeffrey L. Sheldon
Utilities Telecommunications Council
Suite 1140
1140 Connecticut Avenue, N.W.
Washington, DC 20036

Paul J. Sinderbrand
Dawn G. Alexander
Keck, Mahin & Cate
1201 New York Avenue, N.W. Penthouse
Washington, DC 20005-3919

Michael E. Glover
1710 H Street, N.W.
Washington, DC 20006

John H. Muchistein
Pederson & Haupt
180 North LaSalle
Suite 3400
Chicago, IL 60601

ITS, Inc.
1919 M Street, N.W.
Room 246
Washington, DC 20554